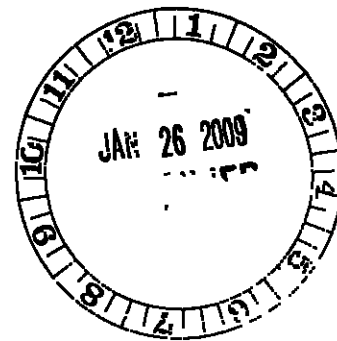


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January 20, 2009

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Surface Transportation Board
Washington, DC 20423

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 F Street, SW
Washington, DC 20423-0001

Re:
Consolidated Rail Corporation –
Abandonment Exemption –
In Hudson County, NJ

AB 167 (Sub-no. 1189X)

CSX Transportation, Inc.
Discontinuance Exemption –
In Hudson County, NJ

AB 55 (Sub-no. 686X)

Norfolk Southern Railway Co. –
Discontinuance Exemption –
In Hudson County, NJ

AB 290 (Sub-no. 306X)

224402

224403

224404

Reply and Request for Consulting Party Status

On January 6, 2009, Conrail et al. filed a Notice of Exemption in the cases referenced above. At the same time, Conrail et al. filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-Filing Notification Requirements."

Preservation New Jersey opposes class exemption procedures in this very controversial case. An abandonment authorization within the schedule Conrail et al. suggest cannot be done in compliance with the National Historic Preservation Act (NHPA) or the National Environmental Policy

Act (NEPA) section 102, 42 U.S.C 4332. Indeed, we believe that abandonment authorization is barred because Conrail and its developer partner have engaged in anticipatory demolition on the referenced site

We respectfully ask for a full Environmental Impact Statement (EIS) to address the many issues raised by this potential abandonment.

Our organization further requests consulting party status in a NHPA Section 106 review. As the statewide nonprofit historic preservation education and advocacy organization, and a Partner of the National Trust for Historic Preservation, Preservation New Jersey (PNJ) regularly works with communities to identify historic properties and assess potential effects of various development undertakings. Part of our mission and our technical assistance to New Jersey communities and organizations includes exploration of ways to appropriately respond to potentially negative effects through mitigation or avoidance strategies. PNJ has long been concerned about the preservation of the Harsimus Branch Embankment, and respectfully requests consulting party status.

Certificate of Service

I hereby certify that on January 23, 2009, I caused a copy of this correspondence to be served by first class mail on those appearing on the attached Service List.

A handwritten signature in black ink, appearing to read "Ron Emrich", written in a cursive style.

Ron Emrich
Executive Director